

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT FOR

-VS-

1

5. After submitting the filing, Plaintiff emailed a courtesy copy of the response to the Courtroom Deputy's email hereto attached as Exhibit 1.
6. Plaintiff then took a screenshot of the acknowledgment for her records hereto attached as Exhibit 2.
7. The Clerk's website allows for a screenshots to be taken with a timestamp provision of when it is taken.
8. Plaintiff's screenshot properties reflect that the screenshot was taken on March 18, 2024 at 10:24 pm.
9. The timestamp evidences that Plaintiff had filed her response timely.
10. Plaintiff received an email on March 19, 2024 at approximately 8:50 am acknowledging the filing with a stamped copy attached to it hereto attached as Exhibit 3.
11. Plaintiff did not review the attachment upon receipt.
12. Later that day Plaintiff received a subsequent email notification of electronic filing.
13. Within a couple of days, it came to Plaintiff's attention that there was an issue with the time stamping of the response.
13. Plaintiff has subsequently contacted the clerk's office, who advised that Plaintiff contact the Operations Manager, Mr. Walker.
14. Plaintiff is waiting on a disposition to her query about the timestamp error.
15. The chains of events that resulted in the response being incorrectly timestamped were out of Plaintiff's control.
16. Plaintiff respected and abided by court's order to respond by March 18, 2024

and to be proactive and get ahead of the situation Plaintiff is apprising motioning the court about the circumstances surrounding the response not being accurately timestamped.

17. Plaintiff believed that she had until 11:59 pm CST to file her response.

18. Plaintiff is not sure why or how the filed and received dates were not distinguished or how to even posit what happened.

14. Plaintiff's response was completed and ready for filing prior to the deadline hereto attached as Exhibit 4.

19. The good cause for this inaccurate timestamp was the result of unforeseen and unknown circumstance with or within the clerk's office and not for any other reason.

20. The Declaration of Mary Madison is attached in support of this Motion.

WHEREFORE, Plaintiff, respectfully requests an order of this Court stating the Plaintiff's response to Defendants Rule 12(c) Motion to Dismiss was filed timely on March 18, 2024.

Dated: March 23, 2024

Respectfully submitted

By: /s/ _____
Mary Madison
9758 S Charles
Chicago, IL 60643
7732979569
Mdj123197@aol.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

)	
)	
Mary Madison)	
Plaintiff,)	Case Number: 1:23-CV-16476
)	
-vs-)	Honorable Judge Manish S. Shah
)	
Steve Schroeder)	
Creative Werks, LLC)	
Defendant)	

**DECLARATION OF MARY MADISON IN SUPPORT OF
MOTION TO CONSIDER PLAINTIFF’S RESPONSE TO DEFENDANTS’
FED. R. CIV. P. RULE 12(C) MOTION TO DISMISS TIMELY FILED**

Mary Madison, for her declaration, pursuant to 28 U.S.C. §1746, states as follows:

1. I am over twenty-one years of age and am competent to testify to the matters set forth in this Declaration.
2. The facts stated herein are within my personal knowledge and are true and correct.
3. Plaintiff’s response to Defendants’ Rule 12(c) Motion to Dismiss was due on March 18, 2024.
4. Plaintiff timely submitted the filing on the Pro Se PDF Submissions link (<https://www.ilnd.uscourts.gov/Pages.aspx?page=SubmitProSePDF>) at approximately 10:20 pm on March 18, 2024.
5. Plaintiff received an acknowledgment that her submission was successful.
6. However, the acknowledgement was bereft of any time-stamped details, nor did

it establish a record of receipt of the document filed.

7. After submitting the filing, Plaintiff emailed a courtesy copy of the response to the Courtroom Deputy's email hereto attached as Exhibit 1. Plaintiff emailed the response also out of an abundance of caution due to not having a record of her submission to the clerk's office.¹

8. Plaintiff then took a screenshot of the acknowledgment for her records hereto attached as Exhibit 2.

9. Plaintiff received an email on March 19, 2024 at approximately 8:50 am acknowledging the filing with a stamped copy attached to it hereto attached as Exhibit 3.

10. Plaintiff did not review the attachment upon receipt.

11. Later that day Plaintiff received a subsequent email notification of electronic filing.

12. Within a couple of days, it came to Plaintiff's attention that there was an issue with the time stamping of the response.

13. Plaintiff has subsequently contacted the clerk's office, who advised that Plaintiff contact the Operations Manager Mr. Walker.

14. Plaintiff is waiting on a disposition to her query about the timestamp error.

15. The chains of events that resulted in the response being incorrectly timestamped were out of Plaintiff's control.

16. Plaintiff respected and abided by court's order to respond by March 18, 2024 and to be proactive and get ahead of the situation Plaintiff is apprising motioning the court

¹ Plaintiff had previously filed her Rule 55 Motion at the clerk's office by drop box and it was a prolonged time before the motion was entered on the docket. So, Plaintiff's past experienced compelled her to implement some sort of tracking mechanism, since this was a time sensitive filing.

about the circumstances surrounding the response not being accurately timestamped.

17. The good cause for this inaccurate timestamp was the result of unforeseen or unknown circumstances with or within the clerk's office and not for any other reason.

18. Plaintiff is unfamiliar with the clerk's operating procedures and how their system receives and or logs how documents are received from them to be able to contemplate or put forth formidable reason why this error occurred.

19. Further, Plaintiff was a little thrown off when the acknowledgment did not evidence a timestamp or record of receipt, in the event an issue arose.

20. Counsel has been served with the response and would not have received the response any quicker or sooner than it did. Defendants have not suffered any prejudice resulting from this error, nor would the Defendants be prejudiced by the Court, if the court considered Plaintiff's response timely.

I declare under penalties of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 23, 2024

Respectfully submitted

By: /s/ _____
Mary Madison
9758 S Charles
Chicago, IL 60643
7732979569
Mdj123197@aol.com

From: mdj123197@aol.com (mdj123197@aol.com)

To: Susan_McClintic@ilnd.uscourts.gov

Date: Monday, March 18, 2024 at 10:22 PM CDT

Good Day,

Hope this email finds you well.

As ordered, I submitted my response in the above captioned matter on the Pro Se link provided.

I am attaching a copy for your reference.

Just wanted to ensure that it was marked timely.

Have an amazing day and thank you for your time and assistance.

Cheers

On Tuesday, February 13, 2024 at 01:06:33 PM CST, Susan McClintic <susan_mcclintic@ilnd.uscourts.gov> wrote:

Thank you – I'll make sure Judge Shah has seen it.

Best,

Susan

Susan McClintic
Courtroom Deputy to the
Honorable Manish S. Shah
United States District Court
Northern District of Illinois
219 South Dearborn Street
Room 1914
Chicago, IL 60604

From: mdj123197@aol.com <mdj123197@aol.com>
Sent: Tuesday, February 13, 2024 1:02 PM
To: Susan McClintic <Susan_McClintic@ilnd.uscourts.gov>
Subject: Re: 23 CV 16476 - electronic upload of documents

Thank you kindly.

I have a filed stamped copy attached for review.

Have a awesome rest of your day.

Cheers

On Tuesday, February 13, 2024 at 10:09:56 AM CST, Susan McClintic <susan_mcclintic@ilnd.uscourts.gov> wrote:

Thank you for letting me know. I will advise Judge Shah. Please note that the hearing will be going forward tomorrow at 9:45 a.m. in Courtroom 1919.

Best,

Susan

Susan McClintic
Courtroom Deputy to the
Honorable Manish S. Shah
United States District Court
Northern District of Illinois
219 South Dearborn Street
Room 1914
Chicago, IL 60604

From: mdj123197@aol.com <mdj123197@aol.com>
Sent: Tuesday, February 13, 2024 8:03 AM
To: Susan McClintic <Susan_McClintic@ilnd.uscourts.gov>
Subject: Re: 23 CV 16476 - electronic upload of documents

Good day

Hope this finds you well.

This is Mary Madison Plaintiff in 24 CV 16476.

Earlier this morning I used the referenced link to file a motion in opposition to Defendants ' motion.

Their motion is up tomorrow and I was trying to ensure that my response was received.

May I please ask how that process is handled.

Thank you for your time and have the most amazing day ever!

Cheers

On Tuesday, February 6, 2024 at 10:01:22 AM CST, Susan McClintic <susan_mcclintic@ilnd.uscourts.gov> wrote:

Dear Ms. Madison,

Below please find the link we discussed this morning in court.

Pro Se PDF Submissions: <https://www.ilnd.uscourts.gov/Pages.aspx?page=SubmitProSePDF>

Best,

Susan

Susan McClintic

Courtroom Deputy to the

Honorable Manish S. Shah

United States District Court

Northern District of Illinois

219 South Dearborn Street

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

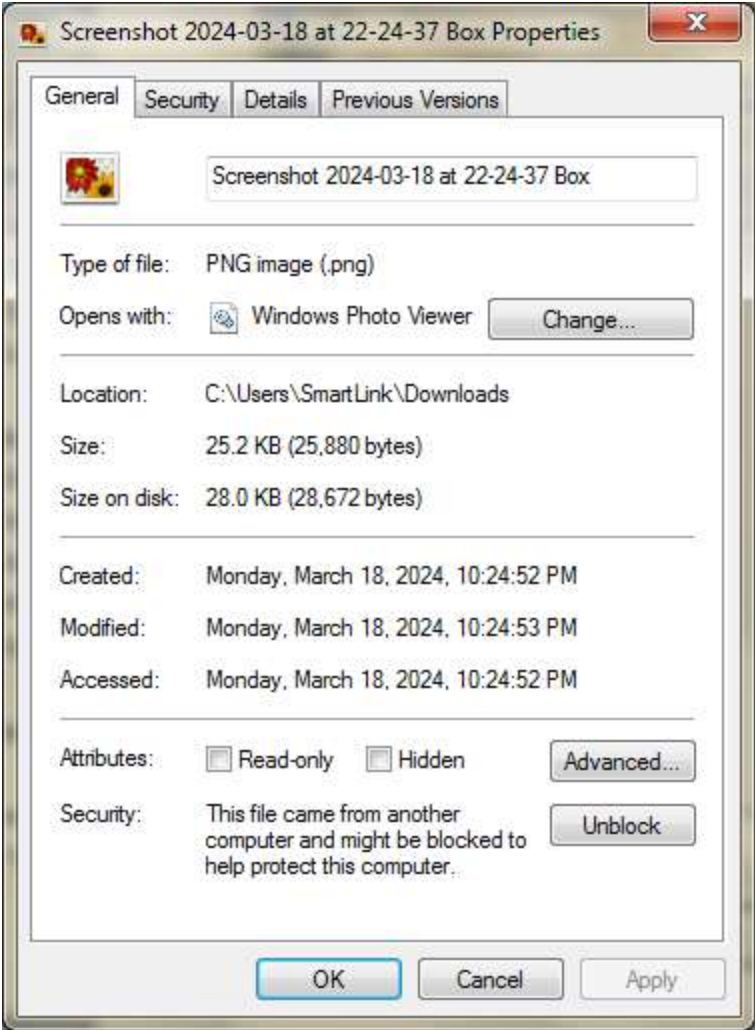
CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.



Response in Oppostion to Defendants Rule 12(c) MTD_MM.pdf
2.7MB

Success! Your file has been submitted.





From: Box-NoReply (box-noreply@ilnd.uscourts.gov)

To: mdj123197@aol.com

Date: Tuesday, March 19, 2024 at 08:50 AM CDT

Please find attached your document with the court stamp validating receipt of your document. Please DO NOT reply to this email as it will not be answered. If you have any questions please contact Intake Desk at 312-435-5691.



Response in Oppostion to Defendants Rule 12(c) MTD_MM.pdf
2.8MB

CERTIFICATE OF SERVICE

I, Mary Madison, hereby certify that on March 23, 2024, a true and accurate copy of Plaintiff's Motion to Consider Plaintiff's Response to Defendants Rule 12(c) Motion to Dismiss timely filed was served upon all parties of record via the Court's CM/ECF electronic system to the following:

Jon D. Cohen, Esquire
Joseph R. Delehanty, Esquire
C/o Dickinson Wright PLLC
55 West Monroe St. Suite 1200
Chicago, Il 60603

Respectfully,

Mary Madison
/s/ Mary Madison
Mary Madison
9758 S Charles
Chicago, Il 60643
7732979569
Mdj123197@aol.com
Plaintiff (*Pro se*)